

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

LISA A. MAKSON,  
and others similarly situated,

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CIVIL NO. 3:07-cv-00582-HEH

**MOTION TO STRIKE MEDIATION AGREEMENT**

NOW INTO COURT, through undersigned counsel, comes defendant, Portfolio Recovery Associates, LLC ("PRA"), which, pursuant to Fed. R. Civ. P. 23(d) and (e), requests the Court (a) strike the Mediation Settlement Agreement ("Agreement") executed during the January 15, 2008 mediation of this matter and (b) enter an order confirming this case is not settled as a class action. Plaintiff, Lisa A. Makson, and her counsel contend this case has been settled as a class action through the execution of the Agreement. PRA and its counsel disagree. The requested order is necessary to resolve the ongoing dispute as to the status of this case.

WHEREFORE, considering the premises and the supporting memorandum filed herewith, PRA requests the Agreement be struck and an order be entered confirming this case is not settled as a class action.

Respectfully submitted,

By:           "/s/"            
William D. Bayliss

William D. Bayliss, Esquire (VSB No. 13741)  
[bbayliss@williamsmullen.com](mailto:bbayliss@williamsmullen.com)  
Brendan D. O'Toole, Esq. (VSB# 71329)  
[botoole@williamsmullen.com](mailto:botoole@williamsmullen.com)  
Williams, Mullen, Clark & Dobbins, P.C.  
Two James Center  
1021 East Cary Street, 17<sup>th</sup> floor  
Richmond, VA 23219  
Telephone: (804) 643-1991  
Facsimile: (804) 783-6507  
*Of Counsel*

David Israel (Louisiana Bar # 7174)(T.A.)  
[disrael@sessions-law.com](mailto:disrael@sessions-law.com)  
Allison L. Cannizaro (Louisiana Bar # #29951)  
[acannizaro@sessions-law.com](mailto:acannizaro@sessions-law.com)  
Bryan C. Shartle, Esq. (Louisiana Bar #27640)  
[bshartle@sessions-law.com](mailto:bshartle@sessions-law.com)  
SESSIONS, FISHMAN & NATHAN, L.L.P.  
3850 N. Causeway Blvd., Suite 1240  
Metairie, Louisiana 70002  
Telephone: (504) 828-3700  
Facsimile: (504) 828-3737

Attorneys for Defendant,  
Portfolio Recovery Associates, LLC

#### C E R T I F I C A T E O F S E R V I C E

I hereby certify that on the 10th day of June, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

**Matthew James Erausquin**  
Consumer Litigation Associates PC  
3615-H Chain Bridge Rd  
Fairfax, VA 22030  
703-273-6080  
Fax: 888-892-3512  
Email: [matt@clalegal.com](mailto:matt@clalegal.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Anthony Bennett**  
Consumer Litigation Assoc PC  
12515 Warwick Blvd  
Suite 100  
Newport News, VA 23606  
757-930-3660  
Fax: 757-930-3662  
Email: lenbennett@cox.net

"/s/

William D. Bayliss

William D. Bayliss, Esquire (VSB No. 13741)  
[bbayliss@williamsmullen.com](mailto:bbayliss@williamsmullen.com)  
Brendan D. O'Toole, Esq. (VSB# 71329)  
[botoole@williamsmullen.com](mailto:botoole@williamsmullen.com)  
Williams, Mullen, Clark & Dobbins, P.C.  
Two James Center  
1021 East Cary Street, 17<sup>th</sup> floor  
Richmond, VA 23219  
Telephone: (804) 643-1991  
Facsimile: (804) 783-6507  
*Of Counsel*

David Israel (Louisiana Bar # 7174)(T.A.)  
[disrael@sessions-law.com](mailto:disrael@sessions-law.com)  
Allison L. Cannizaro (Louisiana Bar # #29951)  
[acannizaro@sessions-law.com](mailto:acannizaro@sessions-law.com)  
Bryan C. Shartle, Esq. (Louisiana Bar #27640)  
[bshartle@sessions-law.com](mailto:bshartle@sessions-law.com)  
SESSIONS, FISHMAN & NATHAN, L.L.P.  
3850 N. Causeway Blvd., Suite 1240  
Metairie, Louisiana 70002  
Telephone: (504) 828-3700  
Facsimile: (504) 828-3737

Attorneys for Defendant,  
Portfolio Recovery Associates, LLC